



# Wastewater News



Clean Water ... a better environment  
Office of Wastewater Management

*Working towards Clean Water*

## The Office of Wastewater Management looks at the future of the health of the nation's waters...

### What's New

#### ANIMAL FEEDING OPERATIONS (AFOs)

AFOs, either singularly, or in combination with other AFOs in a watershed, have been shown to cause significant environmental and public health concerns, including nutrient enrichment of surface waters, contamination of drinking water supplies, fish kills, and odor problems. Under Section 502 of the Clean Water Act, concentrated animal feeding operations (CAFOs) are point sources and must obtain a National Pollutant Discharge Elimination System (NPDES) permit.

During the past few years, significant attention to AFOs has put the issue in the spotlight. The lagoon spills from hog farms in North Carolina in the summer of 1995 and public concerns about the potential relationship between nutrient enrichment and occurrence of *Pfiesteria*

are examples of the environmental and public health issues.

Senator Harkin's introduction of S. 1323 on October 28, 1997 as well as the Vice President's call for a Clean Water Action Plan to address polluted runoff including that from AFOs underscores the public concern.

EPA has developed a comprehensive national strategy that proposes a series of short and long term actions to deal with AFOs. The draft strategy is expected to be released for public input this Spring, 1998. For more information on AFOs, contact Ruby Ford on (202) 260-6051.

### Upcoming Training, Meetings and Conferences

#### Expert Panel on Whole Effluent Toxicity (WET) Toxicity Identification Evaluation (TIE)/Toxicity Reduction Evaluations (TRE) Issues

A Whole Effluent Toxicity Expert Panel, sponsored by the SETAC Foundation, will hold a panel discussion on technical issues related to TIEs and TREs on February 11-13, 1998. Technical experts participating on the panel represent industry, municipalities, consultants and government as required

by the SETAC Foundation. The technical findings of this panel will be peer reviewed and ultimately published. For more information contact Margarete Heber at (202) 260-7144.

#### Poultry Symposium February 24-15, 1998

There will be a poultry symposium this month to discuss animal waste issues in the poultry community. EPA Region VII states will be highlighted. EPA Region III will give a presentation on the EPA direction in the animal feeding operation (AFO) arena. For more information contact Ruby Ford at (202) 260-6051.

#### Managing Manure in Harmony with the Environment and Society February 10-12, 1998

EPA Region VII will be giving a presentation on the status of CAFO regulations and EPA's future direction on AFOs.

For more information, contact Ruby Ford at (202) 260-6051.

#### EPA-State Work Group Meeting to Discuss SRF Program

EPA is forming a State/EPA work group to address issues concerning the implementation of the Clean Water State Revolving Fund (CWSRF) and the

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Drinking Water State Revolving Fund (DWSRF) programs. The work group will cover a broad range of issues affecting the SRF programs such as loan fees, program income, transfers, cross-collateralization, banking, and loans to non-public water systems. The proposed structure of the work group includes representatives from both SRF programs at the State, Regional, and Headquarters levels, as well as representatives from Grants Administration and the Office of General Counsel. The first work group meeting will be held February 18-20, 1998, in Washington, D.C. The meeting will be two and a half days in length with sessions to address DWSRF, CWSRF, and joint SRF issues. For more information contact Kimberley Roy on (202) 260-2794.

### **PARTICIPATION ON THE INTERAGENCY ENDANGERED SPECIES ACT (ESA) MEMORANDUM OF AGREEMENT (MOA)WORK GROUP**

Permits Division staff continue to participate in the ESA MOA workgroup. A meeting with the Services is planned for January 28. EPA is also working with the Services to allay their concerns regarding the inclusion of CWA 404 and 405 (Sludge) programs in the MOA and are discussing preliminary approaches to train EPA and Service staff on how to implement the MOA. Permits Division staff continue to conduct outreach with the public and States on the MOA. For more information contact either Jim Pendergast on (202) 260-9545 or Tom Charlton on (202) 260-6960.

## **Regulations at Work**

### **Part 501 Sewage sludge (biosolids) Amendments**

As part of an overall effort to eliminate unnecessary regulations, this rule eliminates the language in Part 123 that applies solely to sewage sludge (biosolids). All States will follow the procedures in Part 501 when submitting sewage sludge (biosolids) management programs, including those States amending their NPDES programs to include sewage sludge (biosolids). States that intend to modify their NPDES programs will meet the requirements of Part 501 by making the necessary modifications to their NPDES programs.

The amendments streamline the regulations, ease the sewage sludge (biosolids) program authorization process for States, and ensure that decisions on those authorizations are made based on true environmental and public health considerations. The rule uses phrases such as "unless comparable requirements are in place" and "unless a different schedule is established" to allow approval of programs that follow the intent but not the letter of the Federal rule. We chose this approach over deleting many of the permitting requirements due to Regional concern that States with NPDES programs may be hurt by deletions if State law or regulations require them to be no more stringent than Federal rules. The rule decreases the amount of information States submit to EPA in the program description, permit issuance process, and reporting section, and includes a section to allow partial programs.

This is a streamlining rule that should decrease costs for both States and tribes by decreasing the amount of information that States and tribes are

currently required to submit to EPA and reducing the number of changes required in their current programs.

Municipalities will also benefit from this rule. When a State is authorized to run the sewage sludge (biosolids) program, municipalities will no longer have to understand and comply with two separate programs -both Federal and State. Since the intent of this rule is to ease the authorization process for States, municipalities will benefit by having to comply with only one rule. Currently, Part 501 is under the Office of Management and Budget (OMB) review. For more information, contact Wendy Bell on (202) 260-9534.

### **Part 403 Burden Reduction Passed on to Privately Owned Treatment Works**

The National Pretreatment Program staff at EPA Headquarters finished work on one regulation revision that reduces the burden on POTWs related to POTW pretreatment program modifications and is currently developing a regulation revision package for streamlining the rest of the regulations. The Program staff has had numerous discussions with stakeholders, including the Association of Metropolitan Sewerage Agencies (AMSA) and the Water Environment Federation (WEF), concerning the streamlining program. Currently, the regulation streamlining package includes thirteen issues:

- A. Specific Prohibition Regarding pH;
- B. Equivalent Mass Limits for Concentration Limits;
- C. Equivalent Concentration Limits for Flow Based Standards;
- D. POTW Oversight of Significant Industrial Users;
- E. De Minimis Categorical Industrial Users;
- F. Slug Control Plans;
- G. Sampling for Pollutants Not Present;

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- H. User of Grab and Composite Samples;
- I. Removal Credits;
- J. Electronic Filing and Storage of Reports;
- K. General Permits;
- L. Best Management Practices;
- M. Modifications of Significant Noncompliance Criteria;

Currently, EPA is reviewing comments from stakeholders and other EPA Offices on the potential modifications. The regulation is expected to be proposed in the Federal Register in the Spring of 1998 and go final in the Spring of 1999. For more information, Contact Jeff Smith on (202) 260-5586.

#### STEAM ELECTRIC RELATED WORK

Pursuant to the Consent Decree in Cronin, et al. v. Browner, the Quarterly Status Report was filed in the U.S. District Court, Southern District of New York on January 12, 1998. This report summarizes EPA's actions, during the last quarter, to propose and take final action with respect to regulations under § 316(b) (location and design of cooling water intake structures to minimize adverse environmental impact) of the Clean Water Act ("CWA").

Tudor Davies, Office Director for the Office of Science and Technology, has signed the Federal Register notice announcing the availability of the draft detailed industry questionnaire for public comment. The notice is expected to be published in the Federal Register as early as Monday, 26 January. There are five versions of the detailed industry questionnaire primarily reflecting the economic diversity of the facilities to be surveyed. The five versions will cover: 1) Publicly Owned Utilities; 2) Major Privately Owned Electric Utilities; 3) Rural Electric Cooperatives; 4) Non-Utility Power Producers; and 5) Manufacturers.

The 316(b) workgroup continues to evaluate and revise the draft screener questionnaire in light of comments received during the public comment period (the public comment period ended on November 17, 1997). The workgroup is also preparing the information collection request (ICR) scheduled to be submitted to OMB in February 1998. For more information contact Deborah Nagle on (202) 260-2656.

#### NPDES Round II Streamlining

The Permits Division NPDES Round II streamlining team has submitted a second draft of the final regulation preamble language for internal review. This streamlining effort has the greatest impact in eliminating evidentiary hearings, expansion and flexibility in the use of general permits, and allows for monitoring waivers (if the discharger can certify that guideline listed pollutants are not part of the effluent). A draft of the final regulation for review by other EPA concerned parties is expected to follow after approval. At that time, the team will work with these offices to address their concerns about the rule. Additionally, the NPDES Round II streamlining team has developed a communication strategy for the release of the final regulation. This is also currently under internal review. For more information contact Howard Rubin on (202) 260-2051.

#### The NPDES Storm Water Rule (Phase II)

The proposed National Pollutant Discharge Elimination System (NPDES) Storm Water Rule (Phase II) was published in the Federal Register on January 9, 1998 (63 FR 1536). When finalized, this rule will supersede the August 7, 1995 storm water regulation (60 FR 40230). The proposed rule was developed with extensive outreach and stakeholder involvement including State, Tribal, municipal, industrial, and environmental group members of a

subcommittee under the Urban Wet Weather Federal Advisory Committee (FACA), and small entities under the Small Business Regulatory Enforcement Fairness Act (SBREFA).

The existing NPDES storm water program (Phase I) is resulting in significant improvement of surface water quality in the United States by reducing polluted runoff from a large number of priority sources, including major industrial facilities, large and medium city storm sewers ("municipal separate storm sewer systems" or "MS4s"), as well as construction sites that disturb 5 or more acres. Today's proposed NPDES storm water regulations (Phase II), will expand this existing national program to smaller municipalities and construction sites that disturb 1 to 5 acres. In this expansion, EPA is proposing "safety valves" which will allow certain sources to be excluded from the national program based on the lack of impact on water quality, as well as to pull in other sources not regulated based on localized impact on water quality. Finally, EPA is proposing to conditionally exclude from the NPDES storm water program, industrial facilities that have "no exposure" of industrial activities to storm water, thereby reducing application of the program to many industrial activities currently covered by the program that have no industrial storm water discharges. This rule will establish a cost effective, flexible approach for reducing negative environmental impact by storm water discharges from these currently unregulated sources.

**Public Meetings/Hearings.** Public meetings/hearings will be held at the times and locations provided below. If all statements are finished before 4:00 p.m. the hearings may be finished early. The hearing times are from 1:00 - 4:00 p.m. on the dates and locations listed below:

February 23, 1998, Washington, DC

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February 25, 1998, Boston, MA  
February 27, 1998, Atlanta, GA  
March 2, 1998, Chicago, IL  
March 4, 1998, Dallas, TX  
March 4, 1998, San Francisco, CA

*The February 5-6, 1998 Storm Water Phase II FACA meeting will be held at the Madison Hotel, 15th & M Streets, NW, Washington, DC (202/862-1740).* For more information on the proposed NPDES Storm Water Regulations (Phase II), contact Patrick Ogbebor at (202)260-6322.

### REGARDING THE ISSUE OF VALLEY FILLS

On Friday, January 23, 1998, OWM, Office of Wetlands, Oceans and Watersheds (OWOW), Office of Federal Activities (OFA) and EPA Region III met with Kathy Karpan, the director of the Office of Surface Mining, and her staff to discuss the growing concern with respect to the existence of valley fills as a result of mountain top removal mining. This was an introductory meeting to introduce the issue. Both agencies agreed to draft a scoping document which will ultimately lead to a strategic document on how the agencies will be handling this issue. A technical study, which will focus on the cumulative effects of these valley fills, which will gain essential information regarding how each agency has been carrying out their regulatory duties. For more information contact Kim Kramer on (202) 260-7933.

### Modification of the NPDES Multi-Sector Storm Water General Permit (MSGP)

Headquarters staff and Regional Storm Water Coordinators have completed the first draft of the response to comments received on the proposed modifications to the MSGP. Once the summary of response to comments is finalized, changes will be completed to the permit and fact sheet and both will be

distributed to the Regional Offices for signature. Another significant development is that discussions over the past few weeks with representatives of the US Fish and Wildlife Service and National Marine Fisheries Service have been positive and indicate that only revisions to the county list of endangered and threatened species will be necessary to complete consultation. For more information contact Brian Burgess on (202) 260-9529.

## State Specific

### State Revolving Fund (SRF) Program Increasing Loans Made for NPS Projects

The Clean Water SRF Program has been working to expand funding for non-traditional wastewater projects. As evidence of its progress, through FY1997 the SRF Program has issued loans for nonpoint source (NPS) projects that, in total, exceed the value of grants made under the 319 NPS Program. There are currently 17 States receiving SRF loans to fund NPS projects. The SRF Program has a goal of increasing this amount to 30 States by the year 1999. Eligible NPS projects under the Clean Water SRF Program include virtually any activity that a State has identified in its nonpoint source management plan. Such activities include projects to control runoff from agricultural land, conservation tillage and other projects to address soil erosion, development of streambank buffer zones, and wetlands protection and restoration. For more information contact Nikos Singelis at (202) 260-5695.

### Improvements Made To Financial Assurance of State Revolving Fund (SRF) Program

The SRF has been working with the EPA Inspector General's (IG) office to identify State SRF programs that have not agreed to conduct separate audits.

Separate financial audits of State SRF programs serve as key tools in maintaining the financial integrity of the SRF Program, and make good business sense. The SRF Program is currently scheduling audits for the 12 States that have not agreed to conduct separate audits, with the remaining 39 States agreeing to conduct separate audits in 1998. The SRF is also working with the IG to establish a review process to insure the quality of these audits. In addition, the SRF is developing an auditor's guide to educate auditors on specific areas of the SRF Program. For more information contact Cliff Yee on (202) 260-5822.

## Other Initiatives COAL REMINING

On January 15, 1998, Gary Hudiburgh, Bill Telliard and Bob Shippen meet with representatives from the Interstate Mining Compact Commission (IMCC), several States, and the Office of Surface Mining (OSM) to continue work on a "white paper" regarding ways that section 301(p) of the Clean Water Act (CWA) can be implemented in a way to protect surface water quality, as well as to remove perceived impediments to coal remining. Kathy Karpan, Director of OSM, attended a portion of the meeting and is quite supportive of these efforts. The group continues to make progress in developing an approach consistent with both the CWA and the SMCRA. Bill Telliard also discussed the recent decision to revise portions of the coal mining effluent guidelines. The next step will be to conduct outreach with all stakeholders on the proposal. For more information contact Gary Hudiburgh on (202) 260-4926.

On January 21, 1998, Gary Hudiburgh will participate in a Federal Coal Symposium being sponsored by OSM in Washington, DC. OSM has invited all stakeholders to this symposium; the theme is Working Together as we Plan



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for the Future. Gary will talk about the progress of the coal remining task group to make improvements to CWA permitting with regard to coal remining. For more information contact Gary Hudiburgh on (202) 260-4926.

### Reinventing the Pretreatment Program

EPA awarded a grant to AMSA to investigate Performance Measures for the Pretreatment Program. The EPA is also working with stakeholders from WEF and AMSA on options for broad-based reinvention of the Pretreatment Program. These include providing some relief from programmatic requirements and evaluating programs based on performance/environmental measures. The AMSA report, *Case Studies in the Application of Performance for POTW Pretreatment Programs -Measuring Progress*, released in May 1997, provides additional information on performance/environmental measures.

The goal of the reinvention effort for the Pretreatment Program is to determine whether there is another way to implement the pretreatment program that provides clearer linkages between implementation activities and environmental benefits and ways to increase environmental benefits through more effective implementation of the pretreatment program. EPA is considering how to pilot a reinvention approach.

The Pretreatment Program has also been working with the Common Sense Initiative (CSI) program. CSI provides a vehicle for stakeholders to present their expertise and to work with regulators to protect and improve the environment. The Metal Finishing CSI, in conjunction with EPA's Office of Water, have endeavored to ensure that this vehicle yields positive changes that both improve environmental quality and reduce unnecessary burdens on

industry. The number of projects currently underway, those to be finished over the next few years, and the partnerships that have developed thus far, are strong indications that the CSI approach can, and is working. For more information, contact Pat Bradley on (202) 260-6963.

### Guidance Under Development

- ◆ **Guidance available on OWM Homepage.** The Office of Wastewater Management (OWM) now has a Home Page which provides access to pretreatment guidance and policy. The Pretreatment Program staff is in the process of transitioning from PIPES to the OWM home page which will include access to Pretreatment policy and guidance.
- ◆ **Local Limits Manual Update** -This addresses the need for more up-to-date information. The local limits manual update will include current information concerning removal efficiencies, inhibition numbers, water quality standards and other data needed to develop local limits.
- ◆ **Increased transfer of pretreatment information systems.** The National Pretreatment Program staff has initiated work on a guidance that will provide POTWs with information about different ways to approach data management and also suggestions on how to benchmark off other POTW programs.
- ◆ **Cost accounting and budgeting** - By providing examples of good budgeting and cost accounting practices, this project would provide pretreatment programs with useful tools to demonstrate the cost-effectiveness of their programs and to better understand the financial impact of certain types of discharges on their sewage treatment system. The Pretreatment Program staff in coordination with staff at the Office of Policy, Planning, and Evaluation at EPA has started work on a guidance manual for Cost Accounting and Budgeting. This guidance should be available Spring of 1998.
- ◆ **"Guidance to the Guidance."** This guidance would help new coordinators prioritize their learning and filter the massive amounts of guidance now available. The goal of the project is to quickly bring programs to a functional level, and to help structure incremental learning. This guidance is currently under development and is expected to be finished by the Spring of 1998.
- ◆ **Manual for Control of Waste Hauled to POTWs.** Hauled wastes are frequently undiluted, highly concentrated and can present unique problems for a wastewater treatment facility. Increases in waste volume and changes in distribution necessitates more control over wastes hauled to POTWs. This guidance will provide practical information to POTW operators and local and State officials on the methods for establishing efficient and effective controls on hauled waste.
- ◆ **Choosing a contract laboratory.** Solid analytical results are a critical input to a successful pretreatment program, yet many programs were not confident in their ability to evaluate the quality of the contract laboratories they relied on for at least some of their analytical requirements. This guidance would provide them with the tools to evaluate laboratory performance and make

better choices regarding contract laboratory services. This guidance is currently under development and is expected to be finished shortly.

For more information, contact Pat Bradley on (202) 260-6963.

### **WHAT'S COMING NEXT MONTH**

#### **Training Videos**

The Office of Wastewater Management has awarded a Clean Water Act, Section 104(b)(3) cooperative agreement/grant to the National Environmental Training Association and Dr. Ken Kerri of CSU Sacramento to develop pretreatment training videos. For more information, contact Pat Bradley on (202) 260-6963.

#### **Pretreatment Training Course**

In coordination with the Water Environment Federation (WEF), the National Pretreatment Program Staff has developed a training course to be cosponsored by WEF to provide basic information about pretreatment program development and implementation. This, along with the training videos, addresses the need for more diverse training opportunities. The courses have been offered in Kansas City, MO (July 16-17, 1997), and Alexandria, VA (August 11-12, 1997). **Future courses are planned for March 2-3, 1998 in Nashville, Tennessee; and April 20 and 21, 1998 in Baltimore, Maryland. Tentative courses are also planned for Raleigh, NC in May, Chicago, IL in June, and Columbia, SC in September. For more information contact Pat Bradley on (202) 260-6963.**

#### **NPDES Permit Writers' Training Course**

Permits Division personnel conducted the NPDES Permit Writers' Training Course in Honolulu, Hawaii on January 12-16. This was the first of a series of five courses that will be co-sponsored by the Department of the Navy in 1998. Other course locations planned for this year are Jacksonville, Florida; Portsmouth, New Hampshire; Austin, Texas; and Seattle, Washington. For more information, contact Daniel Weese on (202) 260-6809.

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<http://www.epa.gov/owm> soon!!!!